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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,497	06/29/2004	Egon Hubel	B-7193	4529

7590 12/21/2005

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EXAMINER
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NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/500,497	<b>Applicant(s)</b> HUBEL, EGON	
	<b>Examiner</b> Leslie A. Nicholson III	<b>Art Unit</b> 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/22/04</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is a first action on the merits of application 10/500497.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 11/22/2004 (page 2 of the submitted file) fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it does not provide a space, next to each document to be considered, for the examiner's initials. Some patents in the list are included in the same submitted file on form PTO-A820, while many were left out. Those that were left out have not been considered.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

#### ***Specification***

3. The abstract of the disclosure is objected to because:
  - it does not commence on a separate page. See MPEP § 608.01(b).
  - as provided in 37 CFR 1.77(b), each of the section headings should appear in upper case, without underlining or bold type.

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- the reference list is not required in a U.S. application

Appropriate correction is required.

### ***Claim Objections***

4. Claim 15 is objected to as being a verbatim recitation of claim 3.

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "the bearings" in line 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1,2,3,4,5,6,7,9,10,12,13,15,17, and 20 (see ¶4,10), as best understood by the examiner (see ¶6), are rejected under 35 U.S.C. 102(b) as being anticipated by Eriksson USP 3,945,413.

Eriksson discloses a similar device comprising:

- at least one pair of rollers (12) that are disposed on a respective side of the plane of transportation and are facing each other, said rollers having at least one elevation (2) encircling said rollers (fig.2)
- transport drives associated with said rollers, wherein the elevations on the first roller of a pair of rollers located on one side of the plane of transportation are staggered relative to the elevations provided on the second roller of the pair of rollers on the other side of the plane of transportation (fig.2)
- wherein the elevations annularly or helically encircle the rollers (C2/L35-38)
- wherein several axially spaced apart elevations are provided on the at least one roller (fig.2)
- wherein there is provided at least one bordering elevation (21) at the end of the rollers, said bordering elevation annularly encircling the respective one of the rollers, having a diameter
- wherein said bordering elevations are disposed on the rollers of a pair of rollers so as to face each other (fig.2)
- wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between the bearings (17) of the rollers

- wherein the spacing between the elevations annularly encircling the rollers or the spacings between respective turns of the elevations helically encircling the rollers are at least 10% greater than the width of the elevations (fig.1,2)
- wherein the width of the elevations as well as the spacings between the elevations annularly encircling the rollers and the spacing between respective turns of the elevations helically encircling the rollers may range from 2 to 200 mm
- wherein the rollers are lengthened by at least the length of the bordering elevations at the ends of the rollers, wherein the bordering elevations at the ends of the rollers are located outside a useful area of a conveying path in the processing line (fig.1-3)
- wherein the rollers are made from at least one material selected from the group comprising metal, plastic material and ceramics (C2/L64-66)
- wherein the rollers provided with the elevations are configured to be formed by axles with rings secured thereon (C2/L35-39) (fig.1-3)

Eriksson discloses a similar method of transporting flat workpieces in conveyORIZED processing lines with a plane of transportation for the workpieces and with at least one pair of rollers, said rollers facing each other and being disposed on a respective side of the plane of transportation for transporting the workpieces, the rollers having at least one elevation encircling the rollers, the elevations on the first roller of a pair of rollers being staggered relative to the elevation on the second roller of the pair of rollers on the other side of the plane of transportation, and with transport drives associated with the rollers, the workpieces being supplied to the rollers of the at least

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one pair of rollers in the plane of transportation, said rollers transporting and finally releasing them. (fig.1-3) (C1/L4-11)

9. Claims 1,8,11,18, and 19 (see ¶10) are rejected under 35 U.S.C. 102(b) as being anticipated by Kunz USP 3,132,785.

Kunz discloses a similar device comprising:

- at least one pair of rollers (23,25) that are disposed on a respective side of the plane of transportation and are facing each other, said rollers having at least one elevation (37) encircling said rollers (fig.1-5)
- transport drives associated with said rollers, wherein the elevations on the first roller of a pair of rollers located on one side of the plane of transportation are staggered relative to the elevations provided on the second roller of the pair of rollers on the other side of the plane of transportation (fig.3-5)
- wherein the height of the elevations ranges from 0.1 mm to 10 mm (C2/L52-58)
- wherein the minimum spacing between the rollers of a pair of rollers is set by the spacing between the bearings (15) of the rollers, wherein the elevations have rounded front sides (fig.3-5)
- wherein the width of the elevations as well as the spacings between the elevations annularly encircling the rollers and the spacings between the respective turns of the elevations helically encircling the rollers may range from 2 mm to 200 mm (fig.3-5)

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- wherein the rollers provided with the elevations are configured to be formed by axles with rings secured thereon (fig.3-5) (C2/L46-50)

***Examiner's Note***

10. The applicant appears to be attempting to use means plus function in claims 1,4,6,13, and 17-20. Does the applicant intend to invoke 35 USC 112 6<sup>th</sup> paragraph? The examiner has construed this claim as to not invoking 35 USC 112 6<sup>th</sup> paragraph. See MPEP 2114 and 2181.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

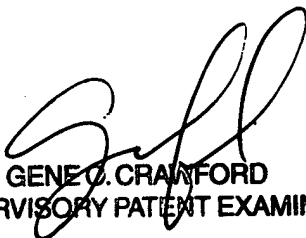
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.  
12/13/2005

  
GENE C. CRANFORD  
SUPERVISORY PATENT EXAMINER